

**SB2471**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB2471**

Introduced 10/14/2009, by Sen. Larry K. Bomke

**SYNOPSIS AS INTRODUCED:**

820 ILCS 405/220

from Ch. 48, par. 330

Amends the Unemployment Insurance Act. Provides that the term "employment" shall not include service performed by a worker serving on a temporary basis regardless of the amount of days worked by the temporary worker. Provides that a worker shall be deemed to serve on a temporary basis if the worker is hired to replace a full-time employee for a limited period of time with the expectation by the employer and temporary worker that the full-time employee shall return to work after such limited period of time.

LRB096 13357 RLC 28059 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Unemployment Insurance Act is amended by  
5 changing Section 220 as follows:

6 (820 ILCS 405/220) (from Ch. 48, par. 330)

7 Sec. 220. A. The term "employment" shall not include  
8 service performed prior to 1972 in the employ of this State, or  
9 of any political subdivision thereof, or of any wholly owned  
10 instrumentality of this State or its political subdivisions.

11 B. The term "employment" shall not include service,  
12 performed after 1971 and before 1978, in the employ of this  
13 State or any of its instrumentalities:

14 1. In an elective position;

15 2. Of a professional or consulting nature, compensated  
16 on a per diem or retainer basis;

17 3. For a State prison or other State correctional  
18 institution, by an inmate of the prison or correctional  
19 institution;

20 4. As part of an unemployment work-relief or  
21 work-training program assisted or financed in whole or in  
22 part by any Federal agency or an agency of this State, by  
23 an individual receiving such work-relief or work-training;

1           5. In a facility conducted for the purpose of carrying  
2           out a program of rehabilitation for individuals whose  
3           earning capacity is impaired by age or physical or mental  
4           deficiency or injury or providing remunerative work for  
5           individuals who because of their impaired physical or  
6           mental capacity cannot be readily absorbed in the  
7           competitive labor market, by an individual receiving such  
8           rehabilitation or remunerative work;

9           6. Directly for the Illinois State Fair during its  
10          active duration (including the week immediately preceding  
11          and the week immediately following the Fair);

12          7. Directly and solely in connection with an emergency,  
13          in fire-fighting, snow removal, flood control, control of  
14          the effects of wind or flood, and the like, by an  
15          individual hired solely for the period of such emergency;

16          8. In the Illinois National Guard, directly and solely  
17          in connection with its summer training camps or during  
18          emergencies, by an individual called to duty solely for  
19          such purposes.

20          C. Except as provided in Section 302, the term "employment"  
21          shall not include service performed in the employ of a  
22          political subdivision or a municipal corporation, or an  
23          instrumentality of one or more of the foregoing or of this  
24          State and one or more of the foregoing. This subsection shall  
25          not apply to service performed after December 31, 1977.

26          D. The term "employment" shall not include service

1 performed after December 31, 1977:

2 1. In the employ of a governmental entity referred to  
3 in clause (B) of Section 211.1 if such service is performed  
4 in the exercise of duties

5 a. As an elected official;

6 b. As a member of a legislative body, or a member  
7 of the judiciary, of this State or a political  
8 subdivision or municipal corporation;

9 c. As a member of the Illinois National Guard or  
10 Air National Guard;

11 d. As a worker serving on a temporary basis in case  
12 of fire, storm, snow, earthquake, flood, or similar  
13 emergency;

14 e. In a position which, under or pursuant to the  
15 laws of this State, is designated as a major nontenured  
16 policymaking or advisory position, or as a  
17 policymaking position the performance of the duties of  
18 which ordinarily does not require more than 8 hours per  
19 week.

20 2. As part of an unemployment work-relief or  
21 work-training program assisted or financed in whole or in  
22 part by any Federal agency or an agency of this State, or a  
23 political subdivision or municipal corporation, by an  
24 individual receiving such work-relief or work-training.

25 3. In a facility conducted for the purpose of carrying  
26 out a program of rehabilitation for individuals whose

1           earning capacity is impaired by age or physical or mental  
2           deficiency or injury or providing remunerative work for  
3           individuals who because of their impaired physical or  
4           mental capacity cannot be readily absorbed in the  
5           competitive labor market, by an individual receiving such  
6           rehabilitation or remunerative work.

7           4. By an inmate of a custodial or penal institution.

8           E. The term "employment" shall not include service  
9           performed on or after January 1, 2002 in the employ of a  
10          governmental entity referred to in clause (B) of Section 211.1  
11          if the service is performed in the exercise of duties as an  
12          election official or election worker and the amount of  
13          remuneration received by the individual during the calendar  
14          year for service as an election official or election worker is  
15          less than \$1,000.

16          F. The term "employment" shall not include service  
17          performed in the employ of an Indian tribe if such service is  
18          performed in the exercise of duties:

19                1. as an elected official;

20                2. as a member of a legislative body, or a member of  
21                the judiciary, of that Indian tribe;

22                3. as a worker serving on a temporary basis in case of  
23                fire, storm, snow, earthquake, flood, or similar  
24                emergency;

25                4. in a position which, under or pursuant to tribal  
26                law, is designated as a major nontenured policymaking or

1 advisory position, or as a policymaking position the  
2 performance of the duties of which ordinarily does not  
3 require more than 8 hours per week;

4 5. as part of an unemployment work-relief or  
5 work-training program assisted or financed in whole or in  
6 part by any federal agency or an agency of this State, or a  
7 political subdivision or municipal corporation, or an  
8 Indian tribe, by an individual receiving such work-relief  
9 or work training;

10 6. in a facility conducted for the purpose of carrying  
11 out a program of rehabilitation for individuals whose  
12 earning capacity is impaired by age or physical or mental  
13 deficiency or injury or providing remunerative work for  
14 individuals who because of their impaired physical or  
15 mental capacity cannot be readily absorbed in the  
16 competitive labor market, by an individual receiving such  
17 rehabilitation or remunerative work;

18 7. by an inmate of a custodial or penal institution.

19 G. The term "employment" shall not include service  
20 performed by a worker serving on a temporary basis regardless  
21 of the amount of days worked by the temporary worker. A worker  
22 shall be deemed to serve on a temporary basis if the worker is  
23 hired to replace a full-time employee for a limited period of  
24 time with the expectation by the employer and temporary worker  
25 that the full-time employee shall return to work after such  
26 limited period of time.

1 (Source: P.A. 92-441, eff. 1-1-02; 92-555, eff. 6-24-02.)